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EXAMINER

VAN BRAMER, JOHN W

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PAPER

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* ANDREAS ARNING
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11 Appeal 2008-000992
12 Application 10/034,973
13 Technology Center 3600
14

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16 Decided: December 7, 2009
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20 *Before:* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
21 MOHANTY *Administrative Patent Judges.*

22
23 CRAWFORD, *Administrative Patent Judge.*
24

25
26 DECISION ON APPEAL
27

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection of claims 1 to 24. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellant invented a system and method for rewarding a user's interaction behavior with a computer system (Spec. 1).

Claims 1 and 2 under appeal read as follows:

1. In a computing environment, a system for providing a reward to a user of the Internet for desired web site visiting behavior, said system comprising:

means located at a first server for loading a first web document over the Internet to a user's computer, said first web document having a hyperlink to a different server for a second web document;

means for monitoring at the first server whether said user selects said hyperlink to navigate to said second web document;

means at said first server responsive to a detection for monitoring whether said user returns to said first document; and

means at said first server for providing a reward to said user in response to the user returning to the first web document from the second web document.

2. The system of Claim 1, further comprising:

means for starting a timer in response to the user selecting the hyperlink in the first web document;

means for stopping the timer when the user returns to the first web document and determining a timer value; and

means for comparing the timer value to a first and a second threshold value, wherein, the reward is provided to the user only if the timer

1 value is greater than the first threshold value and
2 smaller than the second threshold value.

3 The prior art relied upon by the Examiner in rejecting the claims on
4 appeal is:

5 Lowell US 6,381,632 B1 Apr. 30, 2002

6 The Examiner rejected claims 1 to 24 under 35 U.S.C. § 102(e) as
7 being anticipated by Lowell.

8

9 ISSUES

10 Has the Appellant shown that the Examiner erred in finding that
11 Lowell discloses means at the first server for providing a reward in response
12 to the user returning to the first web document as recited in claim 1?

13 Has the Appellant shown that the Examiner erred in finding that
14 Lowell discloses means for starting a timer in response to the user selecting
15 the hyperlink in the first web document as recited in claim 2?

16

17 FINDINGS OF FACT

18 Lowell discloses a system and method for tracking network usage
19 which includes a monitor which analyzes the data stream activity for
20 different strings of data stream to determine the type of activity that is taking
21 place (col. 4, ll. 37 to 64). The monitor is programmed to record activity
22 such as connecting, disconnecting, browsing, accessing areas within a
23 network site, uploading and/or downloading data, ordering products,
24 participating in surveys and participating in real-time and/or on-line events
25 (col. 5, ll. 6 to 10). The monitor also obtains the time and date of an activity
26 (col. 6, ll. 50 to 55). Lowell provides an incentive for users to visit and

1 browse sponsored Web sites by awarding points for various activities that a
2 user does on a Web site (col. 6, ll. 66 to col. 7, ll. 3). A processing site credits
3 the user with the appropriate award points after such has been calculated
4 (col. 8, ll. 65 to 67). The processing site also informs the user of the credit
5 and provides information to the user regarding how to redeem the credit (col.
6 9, ll. 1 to 3). The award points have an expiration time (col. 7, ll. 27 to 30).

8 PRINCIPLES OF LAW

9 A claim is anticipated only if each and every element as set forth in
10 the claim is found, either expressly or inherently described, in a single prior
11 art reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631
12 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987).

14 ANALYSIS

15 We are not persuaded of error by the Examiner by Appellant's
16 argument that Lowell does not disclose a means at the first server for
17 providing a reward in response to the user returning to the first web
18 document as recited in claim 1. Lowell discloses that the user is awarded
19 points upon returning to the processing cite. We agree with the Examiner
20 that the processing cite is the first web document as broadly claimed.

21 In view of the foregoing, we will sustain the Examiner's rejection of
22 claim 1. We will also sustain the Examiner's rejection of claims 3 to 6, 8, 9,
23 10, 12 to 19 and 21 to 24 because the Appellant has not argued for the
24 separate patentability of these claims.

1 We will not sustain the Examiner's rejection of claims 2, 11, and 20.
2 While the Examiner is correct that Lowell discloses that the awards earned
3 by the user expire after a predetermined time and thus the award is only
4 provided if a time value is less than a threshold value, there is no disclosure
5 that a time value is determined corresponding to when the user selects the
6 hyperlink and when the user returns to the first web document and therefore,
7 there is no disclosure of another threshold value. We do not agree with the
8 Examiner that the disclosure in Lowell that since awards are provided for
9 participation in a survey this equates to a threshold value. In our view, this
10 is a disclosure that awards are provided based on the activity rather than the
11 time taken to complete the activity. In this regard, an award in Lowell will
12 be awarded for participation in a survey no matter how long it takes to
13 complete. In addition, Lowell does not disclose a timer which is started and
14 stopped as is required by claims 2 and 10.

15
16 **CONCLUSION OF LAW/DECISION**

17 On the record before us, Appellant has not shown error on the part of
18 the Examiner in rejecting claims 1, 3 to 10, 12 to 19, 21 and 22 to 24. The
19 Examiner's rejection as it is directed to claims 1, 3 to 10, 12 to 19, 21, and
20 22 to 24 is sustained.

21 The Appellant has shown error on the part of the Examiner in
22 rejecting claims 2, 11, and 20. The Examiner's rejection as it is directed to
23 claims 2, 11, and 20 is not sustained.

